

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL ACTION NO. 5:08-cr-00061

MICHAEL GREER,

Defendant.

MEMORANDUM OPINION AND ORDER

Pending before the Court is Defendant's Motion for Resentencing Under 18 U.S.C. § 3582(c)(2) and 28 U.S.C. § 994(u)(3), Sentencing Act of 2010, P.L. No. 111-220, 124 Stat 2372 (the "Motion for Resentencing"). (ECF 43.) By its Order of Reference, dated July 16, 2013, the Court referred this motion to United States Magistrate Judge R. Clarke VanDervort to "enter[] into the record a written order setting forth the disposition of the motion or recommendation for disposition, as the case may be." (ECF 44.) Magistrate Judge VanDervort filed a Proposed Findings and Recommendation on March 10, 2015, which recommends that this Court deny the Motion for Resentencing and remove this action from the Court's docket (the "PF&R"). (ECF 50.)

The Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of de novo review and the Plaintiff's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir.

1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not conduct a de novo review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982).


Objections to the PF&R were due on March 27, 2015. To date, no objections have been filed.

Accordingly the Court **ADOPTS** the PF&R, **DENIES** the Motion for Resentencing, (ECF 43), and **DIRECTS** the Clerk to remove this case from the Court’s docket.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to the Defendant and counsel, the United States Attorney, the United States Probation Office, and the United States Marshal.

ENTER: May 29, 2015



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE